

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
8

9 ROBERT JOSEPH MCCARTY,

10 Plaintiff,

11 vs.

12 JOHN V. ROOS,

13 Defendants.  
14

Case No. 2:11-cv-1538-JCM-RJJ

**ORDER**

15 Plaintiff submitted an Application to Proceed *in Forma Pauperis* (#1) and a Civil  
16 Rights Complaint Pursuant to 42 U.S.C. § 1983. At a hearing held on the Application (#1), Plaintiff  
17 was granted *in forma pauperis* status and further, was ordered to file an amended complaint on or  
18 before December 16, 2011. *See*, Minutes of Proceedings (#6). The Amended Complaint (#8) having  
19 been timely filed and good cause appearing therefore,

20 IT IS THEREFORE ORDERED that Plaintiff's Application to Proceed *in Forma*  
21 *Pauperis* having been **GRANTED** by the Court as noted above, Plaintiff shall not be required to  
22 pre-pay the full filing fee of three hundred fifty dollars (\$350.00).

23 IT IS FURTHER ORDERED that the movant herein is permitted to maintain this  
24 action to conclusion without the necessity of prepayment of any additional fees or costs or the  
25 giving of security therefor. This Order granting leave to proceed in forma pauperis shall not extend  
26 to the issuance of subpoenas at government expense.

27 IT IS FURTHER ORDERED that the Clerk of the Court shall issue summons to  
28 the named defendants herein, and deliver same to the United States Marshal for service.

1 Plaintiff shall have twenty (20) days in which to furnish to the United States Marshal  
2 the required Forms USM-285. Within twenty (20) days after receiving from the U.S. Marshal a  
3 copy of the Form USM-285 showing whether service has been accomplished, Plaintiff must file a  
4 notice with the Court identifying which defendants were served and which were not served, if any.  
5 If Plaintiff wishes to have service again attempted on an unserved defendant(s), then a motion must  
6 be filed with the Court identifying the unserved defendant(s) and specifying a more detailed name  
7 and/or address for said defendant(s), or whether some other manner of service should be attempted.  
8 Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service must be accomplished within  
9 one hundred twenty (120) days from the date that the Complaint was filed.

10 IT IS FURTHER ORDERED that henceforth, Plaintiff shall serve upon defendants  
11 or, if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading,  
12 motion or other document submitted for consideration by the court. Plaintiff shall include with the  
13 original paper submitted for filing a certificate stating the date that a true and correct copy of the  
14 document was mailed to the defendants or counsel for the defendants. The court may disregard any  
15 paper received by a district judge or magistrate judge which has not been filed with the Clerk, and  
16 any paper received by a district judge, magistrate judge or the Clerk which fails to include a  
17 certificate of service.

18 DATED this 4<sup>th</sup> day of April, 2012.  
19  
20

21   
22 ROBERT J. JOHNSTON  
23 United States Magistrate Judge  
24  
25  
26  
27  
28